

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Martin A. Freilich ) Examiner: Nicholas D. Lucchesi  
 )  
Serial No.: 09/311,464 ) Group Art Unit: 3763  
 )  
Filed: May 13, 1999 ) Confirmation No. 1257

For: Implant System

Mailstop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**  
**(EX PARTE QUAYLE ACTION)**

Sir:

This Amendment and Response to Office Action is filed in response to an Office Action mailed in the above-captioned application on August 6, 2009. Therein the Examiner indicated that the subject application is in condition for allowance except for formal matters and that prosecution on the merits is closed in accordance with the practice under *Ex Parte Quayle*. Although Applicant believes that no further fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 503570 for any fees required to make this response timely and acceptable to the Office.

In view of the following amendments to the claims of the subject application, and the subsequent remarks set forth herein, Applicants respectfully submit that all formal matters raised by the Examiner have been addressed. Thus, Applicants submit that the subject application is now in condition for allowance and respectfully request that the Examiner so find.

**Amendments to the Claims** commence on page 2; and

**Remarks** commence on page 5.